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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,919	11/18/2003	Jeong Chul Kwon		3026

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DOHYUN PARK
Apt. #2H
200 Old Palisade road
Fort Lee, NJ 07024

EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,919

Applicant(s)

KWON, JEONG CHUL

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

SPECIFICATION

Abstract

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

Informalities

The specification is objected to because it is replete with grammatical errors. It should be reviewed and steps should be taken so as to correct such discrepancies. On page 1, for example the sentence "Typically, patch was originally derived from the practice that symbol and ornament were applied to shield of knight in the middle age." Appropriate correction is required.

CLAIMS

Summary

Claims 1,6 and 7 are the independent claims under consideration in this Office Action.

Claims 2-5 are the dependent claims under consideration in this Office Action.

Claim Rejections - 35 U.S.C. § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 1, lines 5 and 6, these lines have no clear meaning. It is unclear as to what is meant by "the embroidered portion sewn with non-woven fabrics and soft materials like the shape that user aimed".

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,4,6 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by LaGreca (5,241,919).

LaGreca teaches a method of forming an embroidered appliqué patch comprising a non-woven base material 14 with a soft chenille looped material thereon. Further, embroidery stitching 28 is provided on the soft material and base material and the excess base material and soft material are cut for providing such patch for use on a jacket or other garment product.

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Claims 1,2,4 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lin et al. (5,832,854).

Lin et al. teach an embroidered patch comprising a fabric or flat cloth 20 (from column 2, line 53) with a soft foam material thereon. Further, embroidery stitching 30 is provided on the soft material and base material for covering the foam material with the desired pattern and the excess material 10 is cut for providing such patch for use on a cap, for example, and clothing.

Claims 1,2,4,6 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Slood (6,178,680).

Slood teaches a method and product for forming an embroidered patch (see column 5, line 51) comprising a fabric 92 with a soft foam material 82 thereon. Further, embroidery stitching is provided on the soft material and base material for covering the foam material with the desired pattern and the excess material is cut (column 5, line 56) for providing such patch for use on a cap or on a garment.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over LaGreca.

LaGreca discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, LaGreca teaches an embroidered patch including a base material and a soft chenille material provided thereon. Further, LaGreca teaches another soft material laid onto the base material, this being a Vinyl compound (from column 4, line 7). However, LaGreca does not specifically suggest providing Ethylene Vinyl Acetate.

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the soft material of LaGreca as further including Ethylene Vinyl Acetate as the soft Vinyl compound material added to the backing material. Providing this would allow the patch to conform to the curve of a hat or sleeve when applied thereto.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Slood.

Slood discloses the invention substantially as claimed. See above for specific explanations of the structural details of this document. Briefly, Slood teaches an embroidered patch including a base material and a soft material provided thereon and being formed for use on a cap (figure 1, for example). Further, Slood teaches that the invention is applicable for use with apparel and that it is usable on other materials such as garments, accessories and the like (from column 3, lines 53-59). However, Slood does not specifically suggest the patch being for use or placement on a bag, which would be considered an accessory to a garment or person.

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It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to provide the patch for use upon a bag. Providing this would accessorize not only the bag but also the garment being worn by a person. Providing such a patch would reflect the disposition, attitude or expression of the person carrying such an accessory.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schachter, Jalowsky, Gottschalk and Fortuna illustrate methods and articles forming embroidered raised profile patches.

INQUIRIES

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.



**Ismael Izaguirre
Primary Examiner
Group Art Unit 3765**